

## **REMARKS**

In accordance with the foregoing, claims 1, 25 and 28 has been amended, claim 32 has been cancelled, and claims 33 and 34 has been added. Claims 1-11, 25, 26, 28, 29, 31, 33 and 34 are pending and under consideration.

Claims 1, 25 and 28 have been amended to predict a gene expression site, where the gene expression site is either, a cell, a tissue, and an organ. The claims further predicating the gene expression site by calculating a distance between a first gene and a plurality of second genes. Determining the gene expression site of the first gene based on distance. Then outputting the gene expression site of the first gene determined. The amendments based on the claims prior to the amendment of October 11, 2006. The amendment of the claims, based on the original claims and adding in the limitation of original claim 2. Further support for the claims found on page 16 lines 5 to 14.

It respectfully submitted that amended claims 1, 25 and 28 are drawn to an elected invention.

## **NEW CLAIM**

Claims 33 and 34 are new. Support for the claims found in claim 1 and page 16 lines 5 to 14. The prior art failing to teach or suggest the "distance between a gene expression site of at least one of the known genes and the unknown gene based on based on a sensitivity and a specificity," as in claim 34. Further the prior art failing to teach that the specificity and sensitivity is a ratio.

## **SUMMARY**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/629,897

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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